

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

IN RE: FOSAMAX PRODUCTS LIABILITY  
LITIGATION – MDL No. 1789

MASTER FILE:  
1:06-MD-01789-JFK-JCF

*This Document Relates To:*  
TOBY SINGER and ROBERT SINGER,

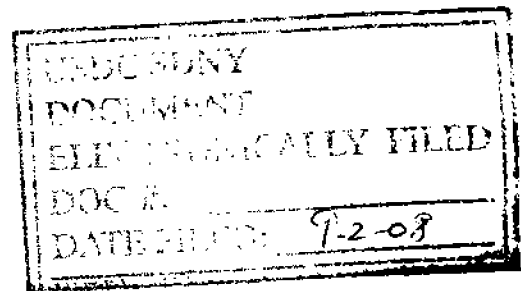
CASE NO: 1:07-civ-3862

Plaintiffs,

v.

MERCK & CO., INC., PROCTER & GAMBLE  
PHARMACEUTICALS, INC. and AVENTIS  
PHARMACEUTICALS, INC.,

Defendants.



**MOTION FOR LEAVE TO AMEND COMPLAINT TO CORRECT NAME OF  
PLAINTIFF HUSBAND**

COME NOW the Plaintiffs, TOBY SINGER and her husband, ROBERT RUDOLPH (incorrectly named ROBERT SINGER in the Complaint) by and through their undersigned attorneys, and file this Motion to Amend Plaintiffs' Complaint to correct the name of the Plaintiff husband from ROBERT SINGER to ROBERT RUDOLPH and for grounds therefore states as follows:

1. Plaintiffs have informed undersigned counsel that the correct name of the husband Plaintiff is ROBERT RUDOLPH.
2. Defense counsel has no objection to the granting of this motion. ✓

3. Attached to this motion is the proposed Amended Complaint reflecting the correct name of the husband Plaintiff.

WHEREFORE Plaintiffs, TOBY SINGER and ROBERT RUDOLPH, respectfully request that this Court enter an Order amending Plaintiffs' Complaint to reflect the correct name of the Plaintiff husband, to-wit: ROBERT RUDOLPH and to deem the attached proposed amended complaint filed as of the date of said order.

I HEREBY CERTIFY that on September 21, 2007 I electronically filed the foregoing with the Clerk of the Court by using the CM/ECF system which will send a notice of electronic filing to the following:

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BY:

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JH7473

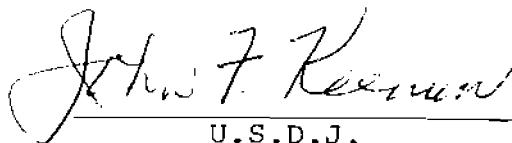
and

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The motion to amend is granted.  
The proposed complaint which is  
attached to the motion (dckt. no. 11)  
is deemed filed as of September 21, 2007.

SO ORDERED.

Dated: September 2, 2008  
New York, N.Y.

  
U.S.D.J.